

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALFRED CLAGGETT, JR.,	:	CIVIL ACTION NO. 1:10-CV-413
Plaintiff	:	
	:	
	:	(Judge Conner)
v.	:	
	:	
BENJAMIN A. FRANTZ,	:	
Defendant	:	

ORDER

AND NOW, this 8th day of March, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge William T. Prince (Doc. 25), recommending that defendant's motion for summary judgment (Doc. 11) be denied, and, following an independent review of the record and noting that defendant Benjamin A. Frantz filed objections¹ to the report on February 4, 2011 (Doc. 26), and the court finding Judge Prince's analysis to be thorough and well-reasoned, and the court finding defendant's objections to be without merit and squarely addressed by Judge Prince's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Prince (Doc. 25) is ADOPTED in its entirety.
2. Plaintiff's motion to accept brief in opposition to defendant's motion for summary judgment nunc pro tunc (Doc. 30) is GRANTED.
3. Defendant's motion for summary judgment (Doc. 11) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge